

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jerry A. Wright,

Plaintiff,

v.

First Student, Inc.,

Defendant.

ORDER

Civil No. 11-2121 ADM/AJB

Jerry A. Wright, pro se.

Jeffrey A. Timmerman, Esq., and Stephanie D. Sarantopoulos, Esq., Littler Mendelson, PC, Minneapolis, MN on behalf of Defendant.

On July 26, 2012, the undersigned United States District Judge heard oral argument on Defendant First Student, Inc.'s Motion to Dismiss Plaintiff's Complaint [Docket No. 8], Amended Motion to Dismiss Plaintiff's Complaint [Docket No. 11], and Motion to Strike Plaintiff's Amended Complaint [Docket No. 15].

Plaintiff's Complaint was filed on July 28, 2011, but Defendants were not served until 280 days later on May 2, 2012. Additionally, Plaintiff's Complaint contained insufficient factual allegations regarding a discriminatory reason for his termination, thereby failing the Iqbal/Twombly standard and Federal Rule of Civil Procedure 12(b)(6). Finally, Plaintiff's Amended Complaint [Docket No. 14] was untimely and was unaccompanied by the procedurally required motion to amend. Even construing Plaintiff's pro se filings liberally, the extremely untimely service of process, the failure to adequately state a claim under Rule 12(b)(6), and the procedural deficiencies in his untimely Amended Complaint all warrant dismissal of Plaintiff's Complaint.

Based upon all the files, records, and proceedings herein and for the reasons stated on the record at the conclusion of oral argument, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss Plaintiff's Complaint [Docket No. 8] and Amended Motion to Dismiss Plaintiff's Complaint [Docket No. 11] are **GRANTED**, the Motion to Strike Plaintiff's Amended Complaint [Docket No. 15] is **DENIED** as moot, and Plaintiff Jerry A. Wright's Complaint [Docket No. 1] is **DISMISSED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: July 26, 2012.